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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/091,386	03/07/2002	Koichi Emura	P22079	8736
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EXAMINER VAN HANDEL, MICHAEL P				
ART UNIT		PAPER NUMBER		
2424				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary

Application No.

10/091,386

Applicant(s)

EMURA ET AL.

Examiner

MICHAEL VAN HANDEL

Art Unit

2424

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 March 2009.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 40-47 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 40-47 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 29 January 2009 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-8508)
4) ☐ Interview Summary (PTO-413)
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____
Paper No(s)/Mail Date _____

DETAILED ACTION

Miscellaneous

1. The examiner acknowledges Applicant's remarks regarding the replacement drawing sheets and notes that the drawings have been accepted.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 3/02/2009 has been entered.

Response to Amendment

1. This action is responsive to an Amendment filed 3/02/2009. Claims **40-47** are pending. Claims **40, 43** are amended. Claims **1-39** are canceled. Claims **46, 47** are new. The examiner hereby withdraws the objection to the drawings in light of the amendment.

Response to Arguments

1. Applicant's arguments regarding claims **40, 43, 46, and 47**, filed 3/02/2009, have been fully considered, but they are not persuasive.

Regarding claims **40** and **43**, the applicant argues that Sezan's disclosure of a user selecting a highlight view to display a highlight of a program with a specified highlight duration does not teach or suggest dynamically generating a preview. The examiner respectfully disagrees. Applicant specifically argues that Sezan et al. does not teach or suggest at least dynamically generating a preview by combining views and provides an example where, if the preview distribution request contains viewpoint information relating to football touchdowns, then the media extractor/generator would extract a plurality of segments that have views corresponding to football touchdowns. As noted in the Office Action mailed 10/30/2008, Sezan et al. discloses receiving a request for a highlight of a program and a length of the highlight (Fig. 10). The user identifies the program by selecting its corresponding frame of the left hand column (p. 8, paragraph 73 & Fig. 10). The user also identifies the length of the desired highlight. In specifying the length, the user is specifying a version corresponding to the selected duration. The version identifies both the time of the highlight (time information), as well as the clips (viewpoint information) used in the highlight (p. 9, 10, paragraphs 94, 95). In playing the highlight, the system plays the clips grouped under the desired version of the highlight. The clips are designated by start and end frame-ids. The examiner acknowledges Applicant's argument that viewpoint information be related to events, such as touchdowns; however, the examiner notes that the features upon which applicant relies (i.e., viewpoint information relating to football touchdowns) are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993). That is, the examiner notes that the claims do not specify what "viewpoint information" is and that, as such,

the viewpoint information could be relating to clips that form a 1 minute, 5 minute, or 10 minute highlight of a program, as defined by Sezan et al.

Further regarding claims **40** and **43**, the applicant argues that Sezan et al. does not disclose extracting a plurality of segments corresponding to viewpoint information contained in the preview distribution request from a client and combining views corresponding to at least some of the extracted plurality of segments so as to have a time length corresponding to the desired time information. The examiner respectfully disagrees. Sezan et al. discloses extracting clips so that the combination of the clips corresponds to the selected length of the highlight (p. 9, paragraph 94; p. 10, paragraph 94-95; & Fig. 10). As such, the examiner maintains that Sezan et al. teaches “a media extractor/generator that extracts, from the metadata, a plurality of segments for making up a preview that is a summary and adapted to the viewpoint information included in the preview distribution request with respect to content corresponding to the identification information included in the preview distribution request, and dynamically generates the preview by combining views corresponding to at least some of the extracted plurality of segments so as to have a time length corresponding to the desired time information included in the preview distribution request, using the time information assigned to the extracted plurality of segments,” as currently claimed.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims **40, 41, 43, 44, 46, and 47** are rejected under 35 U.S.C. 102(e) as being anticipated by Sezan et al. (US 2005/0060641).

Referring to claims **40 and 43**, Sezan et al. discloses a media distribution apparatus/method (p. 20, paragraph 206 & Figs. 2, 28) comprising:

- a storer that stores views that are original media content, and metadata for explaining the views, the metadata comprising a plurality of segments and describing viewpoint information and time information both assigned on a segment-by-segment basis (a program description scheme is utilized in an MPEG-7 format for describing media content, including a syntactic structure scheme 402, a semantic structure description scheme 404, a visualization description scheme 406, and a meta information scheme 408)(p. 3, paragraph 42; p. 9, 10, paragraphs 90, 91, 94-97; p. 16, paragraph 186; p. 17, paragraph 189; & Figs. 13-21);
- a request receiver that receives, from a client, a preview distribution request including identification information that identifies the content viewpoint information included in the content, and desired time information, the identification information and the viewpoint information both selected from list information that is distributed in advance, the list information comprising the identification information and the viewpoint information of the content (a search, filtering, and browsing (SFB) module is used to perform filtering, searching, and browsing of the programs on the basis of the information contained in the description schemes. For instance, a user may

- indicate a desire to watch a five minute highlight of a sports game), as well as playback time information of the content (the user can designate a length of time for a highlight)(p. 3-6, paragraphs 45, 53, 55; p. 8, paragraph 73; p. 13, paragraphs 137-141; p. 16, paragraph 184; p. 19, paragraphs 201, 202; & Figs. 7-12, 14) ;
- a media extractor/generator that extracts, from the metadata, a plurality of segments for making up a preview that is a summary and adapted to the viewpoint information included in the preview distribution request with respect to content corresponding to the identification information included in the preview distribution request, and dynamically generates the preview by combining views corresponding to at least some of the extracted plurality of segments so as to have a time length corresponding to the desired time information included in the preview distribution request, using the time information assigned to the extracted plurality of segments (program analysis is performed based on user request. For example, if the user wishes to view a 5 minute video highlight, the analysis module may invoke a knowledge based system to determine the highlights that form the best 5 minute summary)(p. 5, 6, paragraphs 51, 53, 55; p. 7, paragraph 62; p. 9, 10, paragraph 94; p. 19, paragraphs 201, 202; & Figs. 7-14); and
 - a media transmitter that transmits the generated preview to the client (user descriptions can be stored at a server and the content adaptation can be performed there. Preferred content would then be transmitted to the user)(p. 5, 6, paragraphs 53, 55; & p. 20, paragraph 206).

Referring to claims **41** and **44**, Sezan et al. discloses the media distribution apparatus/method according to claims 40 and 43, respectively, wherein a plurality of sets of the viewpoint and priority of the viewpoint, both assigned on a segment-by-segment basis, are assigned to the metadata (p. 5, paragraph 52; p. 10, paragraph 95; & Figs. 14, 16).

Referring to claims **46** and **47**, Sezan et al. discloses the media distribution apparatus/method according to claims 40 and 43, respectively, wherein viewpoint options are displayed to a user prior to generating the preview (length options)(Fig. 10).

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims **42** and **45** are rejected under 35 U.S.C. 103(a) as being unpatentable over Sezan et al. (US 2005/0060641) in view of Russo et al. (US 5,619,247).

Referring to claims **42** and **45**, Sezan et al. discloses the media distribution apparatus/method according to claims 40 and 43, respectively. Sezan et al. does not disclose a charger that does not perform charging for the preview or performs charging according to a length of the preview. Russo et al. discloses transmitting media content to a user without billing them (col. 5, l. 2-4). The user may enjoy the content free of charge until a predetermined amount of time of the content has been viewed. At this time a charge will take place (col. 10, l. 64-67). It would have been obvious to modify Sezan et al. to include charging a user for content after a

certain length of media content has been viewed, such as that taught by Russo et al. in order to compensate a content provider for content viewing, while allowing a user to cancel a transaction if content viewing is terminated early (Russo et al. col. 2, l. 58-63).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/
Supervisory Patent Examiner, Art Unit
2424

MVH